

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED ✓

SEP 20 2018

WATER RESOURCES  
WESTERN REGION

## NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for permit 63-34403 by Cat Creek Energy, LLC
2. Name of protestant Tree Top Ranches, LP
3. Protestant's Representative for service (If different than protestant)  
\_\_\_\_\_
4. Service mailing address 101 S. Capitol Blvd., Suite 1801, Boise, ID 83702
5. Service telephone no. 208/377-0998 Email Address: wjmulder@treetopranches.com
6. Basis of protest (including statement of facts and law upon which the protest is based)  
Please see attached Addendum to Notice of Protest, incorporated hereby by reference.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? Appropriate conditions made part of any permit(s) to address items in  
paragraph 6 above, or denial of the Application.  
\_\_\_\_\_  
\_\_\_\_\_

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 20th day of September, 2018.

Tree Top Ranches, LP  
Protestant

By: LDW, Inc.  
General Partner

  
By: William J. Mulder, V.P.

W046773  
Received by AK

Addendum to Notice of Protest

Tree Top Ranches, LP

September 20, 2018

Re: Application for Permit No. 63-34403

Cat Creek Energy, LLC

The application raises questions as to whether:

- 1) the application conforms to applicable statutory and regulatory requirements;
- 2) the application adequately describes the proposed use;
- 3) the application accurately describes the proposed use;
- 4) the water supply is sufficient for the proposed appropriation;
- 5) the proposed diversion will reduce the quantity of water available for validly existing water rights;
- 6) statements made in the application are valid;
- 7) the proposed use has valid rights to use stored water;
- 8) the application is made for speculative purposes;
- 9) the applicant has sufficient financial resources to complete and maintain the improvements required;
- 10) the applicant has sufficient financial resources to comply with the continued obligations of the project;
- 11) adequate information has been submitted to accurately evaluate the effect of the proposed use;
- 12) the proposed appropriation will conflict with or harm those potentially affected by the use;
- 13) the proposed use will conflict with or harm the public interest;
- 14) required permits and approvals related to (i) control of the points of diversion, (ii) places of use, (iii) storage, (iv) conveyance and (v) required mitigation, should all be obtained prior to consideration of this application;
- 15) water quality will be adversely affected;
- 16) public safety will be adversely affected; and
- 17) the proposed appropriation could place unreasonable burdens on validly existing uses and facilities.

Protestant reserves the right to raise questions related to new information if/as it becomes available. Protestant reserves the right to raise questions related to any proposed modifications to the application.